

The Yuma County Planning and Zoning Commission met in a regular session on October 22, 2019. The meeting was held in Aldrich Auditorium at 2351 West 26<sup>th</sup> Street, Yuma, Arizona.

**CALL TO ORDER:** At 5:02 p.m. Vice Chairman Bryant convened the Planning and Zoning Commission meeting. Commissioners present were: Scott Mulhern, Ron Rice, John McKinley, Tim Bowers, Danny Bryant, Alicia Zermeno, Wayne Eide and Paul White. Commissioners Matias Rosales and Gary Black were absent. Others present were: Planning Director Maggie Castro, AICP; Senior Planner Fernando Villegas; and PZ Commission Administration Specialist Amber Jardine.

**PLEDGE OF ALLEGIANCE:** Vice Chairman Bryant led the Pledge of Allegiance.

**ITEM No. 3: Approval of the Planning and Zoning Commission regular meeting minutes of August 27, 2019.**

MOTION (RICE/ZERMENO): Approve as presented.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0.

**ITEM No. 4: Major Amendment Case No. 2019-PA-01: Vianey Vega, agent for Margaret and Delbert Johnson Trust 3-28-2011, requests a major amendment to the Yuma County 2020 Comprehensive Plan to change the land use designation of a parcel totaling 7.57 gross acres in size from Agriculture/Rural Preservation (A-RP) to Rural Density Residential (R-RD), Assessor's Parcel Number 721-28-029, located at 3220 West County 13th Street, Yuma Arizona; located in the 65-69 dB noise zone.**

Senior Planner Fernando Villegas presented the staff report recommending approval of 2019-PA-01 based on:

1. The amendment will allow for residential development that is consistent and does not negatively impact the existing residential character of the area.
2. The change will not be detrimental or disruptive to the existing rural/agricultural character of the area.

Vianey Vega, 1846 South 8<sup>th</sup> Avenue, Yuma, Arizona, agent for the applicant, addressed the concerns of the opposition letters that were received. He stated the applicant was willing to compromise and split the parcel into two parcels. This would not increase density and comply with the letters in opposition. Mr. Vega showed Commissioners how the parcel would be split in two.

Staff explained the current zoning of the property is RA-40. The Special Use Permit that allows the mobile home that is currently on the property expires June 2, 2024.

Commissioner Eide inquired about the process of the Major Amendment due to the new proposal to split the property in two instead of three.

Senior Planner Fernando Villegas stated the Major Amendment would be to change the land use designation. The applicant would have to apply for rezoning in order to split the parcel. The rezoning case would be brought to the Planning and Zoning Commission and the split of the parcel would be addressed at that time.

Vice Chairman Bryant opened the public hearing.

Mary Ellen Finch, MCAS-Yuma representative, stated MCAS had two concerns for the Major Amendment. The concern for increased density could potentially be agreed upon if the property could not split into more than two parcels. She inquired about how many acres each lot would be if the property was split and rezoned. The second concern was the sound attenuation of the manufactured home that is on the property.

Senior Planner Fernando Villegas stated there are zoning districts that limit the acreage of properties. Suburban Site Built-4 acre minimum and Suburban Site Built-3 acre minimum are the zoning districts that the property could rezone to.

Planning Director Maggie Castro, AICP, stated the manufactured home would not need to comply with sound attenuation standards. However, if the owner replaces the manufactured home, the new unit would need to comply with sound attenuation standards. She explained that if the manufactured house was placed after 1979, after the Airport District was established, then the unit may already be compliant with sound attenuation standards.

Mary Ellen Finch, MCAS, inquired about why the property would be split if the parcels would be staying within family.

Commissioner Bryant explained it could be due to mortgage loans and other reasons.

There being no one else to come forward, Vice Chairman Bryant closed the public hearing.

Commissioner White inquired if there was any history in the courts with the Attorney General filing against similar cases.

Planning Director Maggie Castro, AICP, stated she would forward the question to legal counsel and would have an answer at the Board of Supervisors meeting.

MOTION (WHITE/MCKINLEY): Approve Major Amendment Case No. 2019-PA-01 as presented by staff.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0.

**ITEM No. 5: Minor Amendment Case No. 2019-MA-01: Craig Colvin, agent for James F. and Lavina S. Platt Trust 11-25-2003, requests to change the land use designation of 5.44 acres consisting of portions for four parcels from Local Commercial (C-LC) and a parcel 15 acres in size from Regional Commercial (C-RC) to Low Density Residential (R-LD), Assessor's Parcel Numbers 700-39-003 and the south portion of -005, -006, -007 and -008 located in the vicinity of the southeast corner of the alignment of Scottsdale Drive and South Frontage Road, Yuma, Arizona.**

Senior Planner Fernando Villegas presented the staff report recommending approval of 2019-MA-01 based on:

1. The amendment will allow for residential development that is consistent with and does not negatively impact the existing residential and commercial character of the area.



2. The change will allow for consistent zoning and land use development patterns.
3. The amendment addresses an oversight, inconsistency, or other land use related inequity since the existing C-RC land use designation is not suitable for the location.

**ITEM No. 6: Rezoning Case No. 19-07: Craig Colvin, agent for James F. and Lavina S. Platt Trust 11-25-2003, requests the rezoning of 5.44 acres consisting of portions of four parcels from General Commercial (C-2) and a parcel 15 acres in size from Rural Area-10 acre minimum (RA-10) to Low Density Residential-6,000 square feet minimum (R-1-6), Assessor's Parcel Numbers 700-39-003 and a portion of parcels -005, -006, -007 and -008, located in the vicinity of the southeast corner of South Frontage Road and Scottsdale Road, Yuma, Arizona.**

Senior Planner Fernando Villegas presented the staff report recommending approval of RZ19-07 subject to the following Performance Conditions and Schedule for Development:

**Performance Conditions.**

1. Within 60 days of approval by the Board of Supervisors, the owners or agent shall provide the following:
  - a. An A.R.S. § 12-1134 waiver.
  - b. An Avigation Disclosure Statement
  - c. A Range Disclosure Statement

**Schedule for Development.**

1. The owner/applicant shall record a final plat subdividing the subject properties into parcels of at least 6,000 square feet in size within three (3) years of Board of Supervisors approval of this rezoning case.

Craig Colvin, 6105 East Alyssa Lane, Yuma, Arizona, agent for the applicant, stated he was present to answer any question for Commissioners and is in agreement with staff's recommendations.

Vice Chairman Bryant opened the public hearing.

There being no one to come forward, Vice Chairman Bryant closed the public hearing.

MOTION (MCKINLEY/BOWERS): Approve Minor Amendment Case No. 2019-MA-01 as presented by staff.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0.

MOTION (MCKINLEY/BOWERS): Approve Rezoning Case No. 19-07 as presented by staff.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0.

**ITEM No. 7: Special Use Permit Case No. 19-05: Arizona Fuel, agent for Constance Braun, requests a Special Use Permit per Section 614.03(A) of the Yuma County Zoning Ordinance to allow a facility to recycle and upgrade used motor oil to the finished product of Marine Gas Oil on a parcel 3.21 gross acres**

**in size zoned Heavy Industrial (HI), Assessor's Parcel Number 197-06-025, located at 10387 South Avenue 4E, Yuma, Arizona; located in the 75-79 dB noise zone.**

Senior Planner Fernando Villegas presented the staff report recommending approval of SUP19-05 subject to the following Performance and Operational Conditions:

**Performance Conditions.**

1. Within 60 days of approval by the Board of Supervisors, all owners or their agent shall provide the following:
  - a. An A.R.S. § 12-1134 waiver.
  - b. An Avigation Disclosure Statement

**Operational Conditions.**

1. The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from the site plan will require approval by the Planning Director pursuant to Section 402.04 of the Yuma County Zoning Ordinance.

Commissioner McKinley inquired about the timeline of the Special Use Permit.

Staff stated there was no time limit for the Special Use Permit.

Kip Gilleland, 19991 North 97<sup>th</sup> Place, Scottsdale, Arizona, representative for Arizona Fuel, stated he was present to answer any questions and will comply with staff's recommendations.

Commissioner Rice inquired about the emissions of the facility.

Mr. Gilleland stated the facility was a zero emissions and zero pressure system. They met with ADEQ and they are not required to get an air quality permit due to the low emission and pressure system.

Commissioner Bryant inquired if it would create job opportunities.

Mr. Gilleland stated it would create a few job opportunities.

Vice Chairman Bryant opened the public hearing.

There being no one to come forward, Vice Chairman Bryant closed the public hearing.

MOTION (BOWERS/RICE): Approve Special Use Permit No. 19-05 as presented by staff.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0.

**ITEM No. 8: Las Palmeras Subdivision - Request for Modification of Subdivision Regulations: Piramide Contractors Inc. requests four modifications from the Yuma County Subdivision Regulations for the proposed Las Palmeras Subdivision, consisting of 20 lots on 3.39 acres, Assessor's Parcel Number 632-**



**50-079, zoned Low Density Residential-6,000 square feet minimum (R-1-6), located at the southwest corner of the intersection of Vaughn Avenue and 4th Street, Yuma, Arizona.**

Senior Planner Fernando Villegas presented the Las Palmeras Subdivision Modifications.

1. **Modification from Section 4.15(C) – Major Collector Type Streets (Section Line Road):** It is requested by the Developer not to provide improvements on the north limit of the subdivision.

Recommendation: The Engineering Division recommends approval of this request since there are no road improvements along the alignment and the proximity of the Ferguson Lateral.

2. **Modification from Section 4.15(D) – Residential Collector Type Road:** It is requested by the Developer not to improve the west side of the subdivision.

Recommendation: The Engineering Division recommends approval of this request since there is an existing irrigation canal along the west and there are no street improvements to the north and south.

3. **Modification from Section 4.15(E) – Residential Road:** Not to improve Vaughn Avenue in accordance with Public Works Standards No. 2-050 and 3-120 or 3-140.

Recommendation: The Engineering Division recommends denial. However, the developer may improve Vaughn Avenue per standard No. 2-100 from the southern boundary of the subdivision to the northerly entrance of Bann Mobile Estates and provide a turnaround (hammerhead) at the northerly limits of Vaughn Avenue improvements.

4. **Modification from Section 4.7– Blocks:** To allow block length longer than 1,200 feet.

Recommendation: The Engineering Division recommends approval of this modification subject to Section 4.7(B) by providing traffic calming measures along 4th Street.

Staff recommends approval of the following modifications:

1. Modification from Section 4.15(C) – Major Collector Type Roads: Not to construct road improvements along the northerly limits of the subdivision.
2. Modification from Section 4.15(D) – Residential Collector Type Roads: Not to construct road improvements along the westerly limits of the subdivision.
4. Modification of Section 4.7-Blocks: To allow street block length longer than 1,200 feet subject to traffic calming measures being provided along 4th Street.

Staff recommends denial of the following modification:

3. Modification from Section 4.15(E) – Residential Roads: Not to improve Vaughn Avenue on the east side of the subdivision. In lieu of the requirements, the developer may improve Vaughn Avenue per Standard No. 2-100 from the southern boundary of the subdivision to the northerly entrance of Bann Mobile Estates and provide a turnaround (hammerhead) at the northerly limits of Vaughn Avenue improvements.

Commissioner Eide inquired about the sidewalks.

Senior Planner Fernando Villegas explained the Engineering Department recommended a different type of road improvement due to the lack of sidewalks.

Francisco Galindo, 1420 South 5<sup>th</sup> Avenue, Yuma, Arizona, representative for Yuma Territorial Engineering, stated he was in agreement with recommendations and would continue improvements as requested by staff with modification number 3.

Vice Chairman Bryant opened the public hearing.

There being no one to come forward, Vice Chairman Bryant closed the public hearing.

MOTION (WHITE/EIDE): Approve Las Palmeras Subdivision - Request for Modification of Subdivision Regulations as outlined by staff.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0.

**ITEM No. 9: Las Palmeras Subdivision - Tentative Map: Piramide Contractors Inc. requests approval of the tentative map for Las Palmeras subdivision consisting of 20 lots on 3.39 acres, Assessor's Parcel Number 632-50-079, zoned Low Density Residential-6,000 square feet minimum (R-1-6), located at the southwest corner of the intersection of Vaughn Avenue and 4<sup>th</sup> Street, Yuma, Arizona.**

Senior Planner Fernando Villegas presented the staff report recommending approval of Las Palmeras Subdivision Tentative Map subject to the following condition:

1. Approval by the Board of Supervisors of the requested modifications of Subdivision Regulations. If any of the requested modifications are denied, the tentative map shall be revised to meet the requirements of the Subdivision Regulations. The revised tentative map shall be submitted to the Planning Director within 30 days of the Board of Supervisors' action.

Francisco Galindo, 1420 South 5<sup>th</sup> Avenue, Yuma, Arizona, representative for Yuma Territorial Engineering, stated he had no additional comments.

Vice Chairman Bryant opened the public hearing.

There being no one to come forward, Vice Chairman Bryant closed the public hearing.

MOTION (WHITE/EIDE): Approve Las Palmeras Subdivision - Tentative Map as presented by staff.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0

**ITEM No. 10: Request to initiate a text amendment to the Zoning Ordinance, Section 1107.00—Temporary Buildings and Uses to amend Section 1107.01(A)(4), add Sections 1107.01(C) and (D), amend Section 1107.03, amend Sections 1107.04 and 1107.05, and add Sections 1107.06 and 1107.07.**

MOTION (WHITE/ZERMENO): Continue the Request to initiate a text amendment to the Zoning Ordinance.



VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0

**ITEM No. 11: Action to amend the initiation of the text amendment to the Subdivision Regulations for lot ties in recorded subdivisions.**

MOTION (WHITE/ZERMENO): Continue the action to amend the initiation of the text amendment to the Subdivision regulations for lot ties in recorded subdivisions.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0

**ITEM No. 12: Discussion concerning amendment to DDS Fee Schedule to adopt a fee for processing a Lot Tie Map.**

MOTION (WHITE/ZERMENO): Continue the discussion concerning amendment to DDS Fee Schedule.

VOICE VOTE: Mulhern-AYE; Rice- AYE; McKinley- AYE; Bowers-AYE; Bryant- AYE; Zermeno- AYE; Eide- AYE; White- AYE. The motion carried 8-0

**ITEM No. 13: Discussion by the Commission members and Planning Director of events attended, current events, and the schedule for future Planning Commission meetings.**

There being no further business to come before the Commission, the Chairman adjourned the meeting at 5:55 p.m.

Approved and accepted on this 3<sup>rd</sup> day of December 2019.

  
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Matias Rosales, Chairman

ATTEST:

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Maggie Castro, AICP, Planning Director